

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7701**

**BILL NUMBER: HB 2042**

**DATE PREPARED:** Jan 22, 1999

**BILL AMENDED:**

**SUBJECT:** Merit selection of judges.

**FISCAL ANALYST:** Susan Preble

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides for the merit selection of the judges of superior, probate, county, and small claims courts. It eliminates the age requirement applicable to superior court judges in some counties. It eliminates an experience requirement applicable to superior court judges in Allen County. It also makes other changes.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** Each judicial nominating commission established by this bill must include a justice of the Supreme Court or a judge of the Court of Appeals appointed by the Chief Justice of the Supreme Court. This requirement will increase the workload for Supreme Court justices and Appellate Court judges. For each judicial vacancy, the judicial nominating commission must certify the names of candidates to the Governor within 60 days from the time the vacancy occurs. Within 60 days, the Governor must fill the vacancy by appointment from the list submitted by the commission.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill would affect the selection process of judges for 215 courts in 91 counties (Monroe County is not impacted by this bill as it has a unified circuit court system) by eliminating the election of judges. The passage of this bill will decrease printing expenses involved in preparing ballots for the election of judges of the superior, probate, county and small claims judges. However, the county election board for each county in the judicial circuit must still submit the question of the retention in office of any judge to the county electorate every six years. Election and retention vote expenses are paid from each county's general fund.

This bill also establishes a seven-member judicial nominating commission in each county and requires that the facilities, supplies, equipment and services necessary for the administration of the commission be

provided by each county. The members of the commissions will not be compensated but will be reimbursed for actual expenses incurred in the performance of their duties.

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of the Governor; Supreme Court; Appellate Court; Division of State Administration.

**Local Agencies Affected:** Clerks; Election Boards; superior, county, small claims and probate courts.

**Information Sources:** Pam Shelhart, Lake County Election Board, (219) 755-3467; Pam Finlayson, Allen County Election Board, (219) 449-7547; Allen County Clerk's Office, (219) 449-7424; Linda Scopelitis, St. Joseph County Clerk, (219) 235-9635; Ron Miller, Division of State Court Administration, (317) 233-2778.